Citizen Suit Action/Clean Water Act: Chattahoochee Riverkeeper Inc. Files Judicial Action Against Columbus, Georgia Construction Company

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The Chattahoochee Riverkeeper, Inc. ("CRI") filed a May 22nd Complaint and Petition for Injunctive Relief ("Complaint") pursuant to the Clean Water Act citizen suit provisions against Aspire at Old Guard, LLC ("Aspire") and SCorUSA, LLC ("SC") for alleged violations.

The Complaint states that the alleged Clean Water Act violations relate to Aspire and SC's operation and development of an approximately 25-acre apartment complex construction site in Columbus, Georgia ("Site").

The two companies' activities are alleged to have resulted in the:

… destruction of the vegetative buffer of a stream and the unlawful and unpermitted discharge of pollutants into two unnamed tributaries to Heiferhorn Creek and downstream into Heiferhorn Creek, Standing Boy Creek, and the Chattahoochee River.

The alleged destruction of vegetative buffer of a stream and the unlawful and unpermitted discharge of pollutants alleged herein are stated to be ongoing violations of Section 301(a) and 402 of the Clean Water Act.

The Complaint alleges that there has been a failure to:

- Install functional and adequate sediment basins prior to conducting clearing, grubbing, grading and other land-disturbing activities.
- Properly design, install, and maintain adequate erosion control measures.
- Construct stream crossings in accordance with the approved erosion and sediment control plans.
- Install all of the stormwater drainage piping as shown on the approved erosion and sediment control plans for the current phase of the development of the Site.
- Properly stabilize and cover disturbed areas.
- Conduct turbidity sampling and monitoring.
- Report the above stormwater monitoring results to the Georgia Environmental Protection Division.
- Conduct storm water sampling for each subsequent rain event that reaches or exceeds 0.5 inches.
- Take corrective actions as required by Part III.D.6 of the General Permit.
- Provide monitoring results to Georgia Environmental Protection Division.
- Conduct inspections of the Site.
- Retain records.

- Document and report violations.

A copy of the Complaint can be found here.